

The 3rd February, 1995

No 14/13/87-6Lab/148.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of The M.D., The Ambala Central Cooperative Bank Ltd., Ambala City *versus* Shri Sher Singh.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT & SESSIONS JUDGE), PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 75 of 1989

SHRI SHER SINGH SON OF SHRI SUBE SINGH, VILLAGE AND POST OFFICE THANA CHHAPPAR, TEHSIL JAGADHRI, DISTRICT AMBALA .. Workman

versus

MANAGING DIRECTOR, THE AMBALA CENTRAL COOPERATIVE BANK LTD., AMBALA CITY AND THE MANAGER, THE YAMUNANAGAR CENTRAL COOPERATIVE BANK LTD., YAMUNA NAGAR .. Management

Present :

WR Shri R. Nath.

MR Shri Subhash Tyagi.

AWARD

In exercise of the powers conferred by clause (c) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as 'the Act'), the Governor of Haryana referred the following dispute between the workman Shri Sher Singh and the Management The Managing Director, The Ambala Central Cooperative Bank Ltd., Ambala City and as amended The Manager, The Yamuna Nagar Central Cooperative Bank Ltd., Yamuna Nagar to this court for adjudication, *vide* Haryana Government notification bearing no. 2211-15, dated 12th January, 1989 :—

"Whether the termination of services of Shri Sher Singh is valid and justified? If not, so, to what relief is he entitled?"

The workman raised an Industrial dispute by serving a demand notice dated 23rd August, 1988 under section 2-A of the Act. The conciliation proceedings were taken by the the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate government made the above mentioned reference.

On receipt of the reference notices were issued to the workman as well as to the management. The workman appeared and submitted his claim statement dated 31st March, 1989. It is alleged therein that initially the workman joined as a secretary in the year 1970 and was later on appointed as Mini Bank Manager in the year 1976. He remained posted at Lebana and later on at Rateli in the year 1977. On 3rd August, 1977 a criminal case FIR No. 61 under section 406/408 IPC was lodged against the workman by the Assistant Registrar, Cooperative Societies, Yamuna Nagar and the workman was placed under suspension by the said Assistant Registrar, although he was not competent to do so having been appointed by the Board of Directors. On appeal his suspension order was stayed by the Registrar, Cooperative Societies, Haryana, *vide* his order dated 22nd June, 1977. But despite that his suspension was not revoked nor he was paid suspension allowance. The criminal case registered against the workman was ultimately disposed off by Additional District and Sessions Judge, Ambala on 15th February, 1988 and he was ordered to be released on probation. After his release the workman approached the management, *vide* his letter dated 19th July, 1988 requesting for his reinstatement but to no effect. The workman therefore demanded his reinstatement with continuity of service and back wages.

The management pleaded that the provisions of Industrial Disputes Act are not applicable as the claimant is governed by Haryana Cooperative Societies Act, 1984 and the rule made thereunder. In any case the reference is bad on account of delay and laches. On merits it was pleaded that the suspension order passed by the Assistant Registrar, Cooperative Societies, Yamuna Nagar in his capacity as administrator of the society, was later on confirmed by the Managing Director, *vide* his letter dated 20th June, 1989. On merits it was pleaded that the workman was found guilty of having embezzled sums of Rs. 1406, 1770,

370 and 1,242 of Gadhauli Agriculture Services Cooperative Societies. He was charge-sheeted and Development Officer of the Cooperative Society Yamuna Nagar was appointed as Enquiry Officer. Full opportunity was given to the workman to defend his case but he found guilty of the embezzlement and accordingly Board of Directors of the management in its meeting held on 22nd December, 1977 discharged the workman from service of the bank. In accordance with rule 5 of the Haryana State Central Co-operative Banks Staff Services (Common Cadres) Rules, 1975. The workman was also found guilty by the Court and therefore he is not entitled to any relief.

The workman submitted replication controverting the allegations of the written statement filed and reiterating those made in the claim statement. On the pleadings of the parties the following issues were framed for decision :—

- (1) Whether the impugned termination of services of the workman is invalid? OPW
- (2) Whether the reference is in competent for the reasons stated in preliminary objections? OPM
- (3) Relief.

During the pendency of the proceedings The Ambala Central Cooperative Bank Ltd. was bifurcated and The Yamuna Nagar Central Cooperative Bank Ltd. was carved out for Yamuna Nagar area which was impleaded as party in the case and was allowed to file claim statement. The management filed written statement to the claim statement and the workman also submitted replication but no new issue arose.

Parties led evidence. I have heard the representatives of the parties. My issuewise findings are as under :—

Issue No. 1 & 2:

Both these issues are inter-linked and are being taken up together.

The Management has produced documents Ex. M-1 to Ex. M-12. Ex M-1 is the copy of the appointment letter of the workman. Ex. M-2 is the copy of the order dated 18th June, 1977 of Assistant Registrar, Cooperative Societies, Yamuna Nagar in his capacity as administrator of society,—vide which the workman was placed under suspension. Ex. M-3 is the copy of order of the Managing Director dated 9th August, 1977,—vide which the suspension of workman was confirmed. Ex. M-4 is the charge-sheet. Ex. M-5 is the reply of workman to the chargesheet. Ex. M-6 is the copy of letter dated 21st September, 1977 written by the Assistant Registrar, Cooperative Societies to the Manager. Ex. M-7 is the copy of letter dated 21st November, 1977 written by the enquiry officer to the workman directing him to appear before him on 25th November, 1977. Ex. M-8 is the copy of letter dated 7th December, 1977 written by the Enquiry Officer to the Managing Director stating therein that the workman has refused the regd. notice and thereafter he is unable to hold the enquiry. Ex. M-9 is the copy of letter dated 18th July, 1977 written by the Managing Director to the workman asking him to clear his position within week failing which his services shall stand terminated. Ex. M-10 is the reply sent by the workman dated 2nd August, 1977. Ex. M-18 is the copy of letter dated 19th August, 1988 written by the workman to Managing Director requesting him for reinstatement on account of his having been released on probation of good conduct by Additional District and Sessions Judge, Ambala,—vide his order dated 10th February, 1988. The copy of which is Ex. M-12. The workman has appeared as WW-8 and stated that no enquiry whatsoever was held against him nor was he paid suspension allowance. He also stated the no prior notice was given to him nor any retrenchment compensation was paid. He produced Ex. AW-2 copy of the order of the Registrar, Co-operative Societies, Haryana,—vide which the comments of Assistant Registrar were obtained.

From the above mentioned documentary evidence on record it is quite evident that although enquiry officer was appointed in this case yet no enquiry was conducted by him against the workman. He rather returned the papers to the Managing Director of the management. The termination of the services of the workman without holding an enquiry and without payment of retrenchment compensation is, therefore, illegal. The workman is, therefore, entitled to reinstatement with continuity of service. The alleged termination took place in the year 1977, whereas the industrial dispute was raised by the workman in the year 1988 after a period of about 11 years. The delay is quite inordinate and should in normal circumstances of the case be fatal to the case of the workman. The workman stands convicted on the criminal charge although he was released on probation of good conduct. Under the circumstances of the case I hold that the workman will not be entitled to any back wages. It will be open to the management to take action in accordance with the law against the workman if the conduct of the workman as a mini Manager of the Bank or secretary of the management led to his conviction in the criminal case. While doing so the management shall however consider the factum of release of workman on probation of good conduct and its legal implication thereof. The findings on both these issues are, therefore, returned in this manner.

Relief.

In the end, it is held that the workman is entitled to reinstatement with continuity of service but without back wages.

The reference shall stand answered accordingly.

The 29th December, 1994.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court, Ambala.

Endorsement No. 1987, dated the 30th December, 1994

Forwarded (four copies), to the Financial Commissioner and Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court, Ambala.

The 3rd February, 1995.

No. 14/13/87-6 Lab./149.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala, in respect of the dispute between the workman and the management of The Divisional Forest Officer, Pinjore, Haryana, *versus* Shri Gopal.

IN THE COURT OF SHRI S. R. BANSAL, (ADDITIONAL DISTRICT AND SESSIONS JUDGE),
PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 32 of 1994

WORKMAN GOPAL, SON OF SHRI KHUSHI RAM, VILLAGE DHANDOGARAN, TEHSIL KALKA
DISTRICT AMBALA AND THE MANAGEMENT OF THE DIVISIONAL FOREST OFFICER, MORNI
DIVISION, PINJORE, HARYANA

Present :

W.R. Shri R. S. Saini.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Gopal and the management of the Divisional Forest Officer, Morni Division, Pinjore, Haryana to this court for adjudication, *vide* Haryana notification bearing No. 8897—8901, dated 8th March, 1994:—

Whether the termination of the services of Shri Gopal is valid and justified? If not to, to what relief is he entitled?

The workman raised the above mentioned dispute by serving a demand notice, dated 13rd October, 1993 under section 2(A) of the Act, the conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this court.

On receipt of the reference notices were issued to the workman as well as to the management. Workman appeared and submitted his claim statement, dated 25th April, 1994. The management however did not appear despite the fact that the notice sent to the management through registered A.D. was received back duly served. This court, therefore, *vide* order, dated 16th August, 1994 ordered the *ex parte* proceedings taken against the management.

In short the case of the workman is that he was appointed as Beldar in the year, 1981 on daily wages basis and have been continued in service since then. He completed 240 days of service continuously in a calendar year. Workman filed a Civil Writ Petition No. 11147 of 1989 in Punjab and Haryana High Court and the Hon'ble Court, vide order, dated 23rd November, 1992 directed the respondent to consider the claim of the workman for regularisation of service in terms of judgement of the Supreme Court in Pura Singh's case. The State Government as well as management also issued instructions for regularisation of the services of the daily rated workers who had completed five years service. However, services of the workman were terminated with effect from 20th August, 1993 without serving any charge sheet, prior notice or payment of retrenchment compensation. The workman demanded his reinstatement with continuity of service and back wages.

In support of his case workman appeared as WW-1 and supported all the allegations made by him in the claim statement. He stated that he joined the management as Beldar on 1st January, 1981 and his services were terminated on 20th August, 1993 without any prior notice or payment of retrenchment compensation. He also stated about having filed the writ Ex-W-2. Ex W-1 is the experience certificates issued by the Department to the workman. Ex. W-3 are the instructions of the Government of Haryana for regularisation of service. Ex. W-4 is the copy of instructions in this behalf. Ex. W-5 is the copy of Medical Certificate. Workman remained under the treatment of Hospital at Chandimandir. The question as to whether the employees of the Forest Department are the workers within the meaning of the act or not was set at rest by Hon'ble High Court in case Rakesh Kumar, versus The Forest Research Institute and College Confers Research Centre, Shimla 1990 (7) SLR page 31, where in it is clearly ruled that the said institute is 'industry' and daily rated workers is a workman. It is proved on the record that the workman has rendered more than 240 days of continuous service and therefore he is entitled to reinstatement with continuity of service and back wages. I order accordingly.

The reference shall stand answered accordingly.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

The 23rd December, 1994.

Endst. No. 1982, dated the 30th December, 1994.

Forwarded four copies to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6Lab./151.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal—um—Labour Court, Ambala in respect of the dispute between the workman and the management of Vice Chancellor, Kurukshetra University, Kurukshetra versus Shri Sudershan Pardeshi.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT AND SESSIONS JUDGE), PRESIDING OFFICER, LABOUR COURT, AMBALA.

Reference No. 533 of 1988.

WORKMAN SHRI SUDERSHAN PARDESH THROUGH POLY PHOTO STUDIO, UNIVERSITY MARKET, KURUKSHETRA AND THE MANAGEMENT VICE CHANCELLOR, KURUKSHETRA UNIVERSITY, KURUKSHETRA AND CHIEF WARDEN, KURUKSHETRA UNIVERSITY, KURUKSHETRA.

Present :

Wr. Shri R. Nath.

MR. Shri C. B. Madan.

AWARD

In exercise of the powers conferred by clause (c) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Sudershan Pardeshi and the management (1) Vice Chancellor, Kurukshetra University, Kurukshetra and (2) Chief Warden, Kurukshetra University, Kurukshetra to this court for adjudication, —vide Haryana Government notification bearing No. 49291-94, dated the 4th November, 1988 :—

"Whether the termination of the services of Shri Sudershan Pardeshi is valid and justified ?
If not so, to what relief is he entitled ?"

The workman raised an industrial dispute by serving a demand notice under section 2-A of the Act. The conciliation proceedings were taken up by Labour Officer-cum-Conciliation Officer. The same having failed the appropriate government made the above mentioned reference.

On receipt of the reference notices were issued to the workman as well as to the management. The workman appeared and submitted his claim statement dated the 9th August, 1989 wherein he took up the position that he joined the employment of the management as a waiter ward in February, 1982 and his services were terminated on 14th April, 1988 in utter disregard of provisions of Industrial Disputes Act in as much as no notice was given nor any retrenchment compensation was paid. Juniors were also retained. The workman has been victimised due to his trade union activities as he was the President of Kurukshetra University Hostel Mess Workers Union. The workman therefore demanded his reinstatement with continuity of service and back wages.

The management pleaded that there is no relationship of workman and management between the parties as the mess in which the claimant was working, was run by the mess committee and this Mess Committee was the management of the claimant. It was pleaded that the claimant was never appointed by the University nor his services were ever dispensed with by the University and therefore his claim is not maintainable nor his court has jurisdiction to entertain and try the claim. On merits it was pleaded that the workman joined as a waiter in the session 1986-87 and his appointment was always for a particular session and therefore there no question of termination or payment of retrenchment compensation.

The workman submitted replication controverting the allegations of the management in the written statement filed and reiterated those made in the claim statement. On the rival contentions of the parties the following points in issues were laid down for decision, —vide order dated 10th August, 1992;—

- (1) Whether the termination of the services of Shri Sudershan Pardeshi is valid and justified ?
If not so, to what relief is he entitled ?
- (2) Whether there was no relationship of employer and employee between the parties ? If so, its effect ? OPM
- (3) Whether hostels do not come within the ambit of Industry ? If so, its effect ? OPM
- (4) Relief.

Parties led evidence. I have heard the learned representatives of the parties. My issue-wise findings are as under :—

Issues No. 1, 2 and 3 :

All these issues are inter-linked and are being taken up together.

No doubt the workman has stated that he was appointed as waiter by the Chief Warden and was being paid out of the University funds but the workman has failed to produce the appointment letter. He stated that his juniors were retained in service is of no consequence as he could not give the name of any of such junior. It is admitted on both the sides that no prior notice was given to the workman nor any retrenchment was paid to him. It is also not seriously disputed that the workman had rendered more than 240 days of service continuously in a calendar year. During cross-examination he admitted that he joined service in the year, 1982 in Arjun Hostel and thereafter in Harsh Bhawan Hostel. He also admits that these two are separate hostels and has no connection whatsoever with each other. He admits that there is a Mess Committee in each of the hostel. It lends plausibility to the stand of the university that he was appointed for a particular session by the Mess Committee of the concerned hostel and there was no question of termination of his services. In rebuttal the management produced MW-1 Shri R. K. Sharma, office assistant, Chief Warden, Kurukshetra University, Kurukshetra who has categorically stated that each of the hostel is run by the mess committee

and the appointments in the hostel are made by the such committees. He stated that this system was introduced in the year, 1981 after receipt of directions from the government of India Ex. M-1. He also stated that on the basis of Ex. M-1 one committee was constituted and Ex. M-2 and Ex. M-3 are the proceedings of the meeting of the said committee. He brought the record of the Mess Committees of the hostel and stated that the appointments were made by these committees. He produced Ex. M-4 to Ex. M-7 in this regard. He lastly stated that the workman was never appointed by the university nor he was paid out of the university funds and he was paid out of collections made by the Mess Committee. He stated that,—vide Ex. M-8 Incharge Mess Committee asked the workman to join back immediately as Ward Bearer but he failed to join the same.

From the evidence available on the record it is quite evident that the workman was never appointed by the university. The workman has not produced any appointment letter. He was appointed only by the Mess Committee and his appointment was on session to session basis. There was no question of termination of his services. Similar view was expressed by the Authority under Minimum Wages Act in finding rendered Ex. M-10. There is no question of relationship of employer and employee between the parties nor can it be said that the hostel committee comes within the purview of the university. I, therefore, return the findings on all these issues against the workman and in favour of the management.

Relief :

In the end, it is held that the workman is not entitled to any relief.

The reference shall stand answered accordingly.

S. R. BANSAL,

The 13th December, 1994.

Additional District and Sessions Judge,
Presiding Officer, Labour Court, Ambala.

Endorsement No. 1979, dated the 30th December, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court, Ambala.

No. 14/13/87-6Lab./158.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s M. D. Haryana State Co-op. Supply & Marketing Federation Limited, Chandigarh *versus* Jai Ram.

IN THE COURT OF SHRI S. R. BANSAL (ADDL. DISTRICT & SESSIONS JUDGE),
PRESIDING OFFICER, LABOUR COURT, AMBALA.

Reference No. 130 of 1989.

JAI RAM, S/O SHRI NAR SINGHDASS C/O SHRI B. K. SOBTI, ADVOCATE,
AMBALA CITY.

.. Workman.

versus

THE M. D. HARYANA STATE CO-OPERATIVE SUPPLY & MARKETING FEDERATION
LIMITED, SECTOR-7, CHANDIGARH.

(II) THE HARYANA STATE CO-OPERATIVE SUPPLY & MARKETING FEDERATION
LIMITED, 1402/4, SHUKAIKUND ROAD, AMBALA CITY.

.. Management.

Present:—

W. R. Shri Subash Adlakha.

M. R. Shri Baldev Singh.

AWARD

In exercise of the powers conferred by clause (c) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Jai Ram and the management (i) M.D. Haryana State Coop. Supply and Marketing Federation Ltd. Sector 7- Chandigarh (ii) The Haryana State Coop. Supply and Marketing Federation Ltd. 1402/4, Shukulkund Road, Ambala City to this court for adjudication,—vide Haryana Government notification bearing No. 8132—37, dated the 24th February, 1989:—

Whether the termination of services of Shri Jai Ram is valid and justified? If not, to what relief is he entitled?

Workman raised an Industrial dispute by serving a demand notice dated 29th November, 1988 under section 2(A) of the Act. The conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this court.

On receipt of the reference notices were issued to the workman as well as to the management. The workman appeared and submitted his claim statement. The management filed its written statement to the claim statement.

On the rival contentions of the parties, the following issues were framed for decision:—

- (1) Whether the impugned termination of services of workman is valid? OPM
- (2) Whether the claim statement is not maintainable in the present form? OPM
- (3) Whether the workman has *locus standi* to file the claim statement? OPM
- (4) Whether this court has no jurisdiction to try the reference? OPM
- (5) Relief.

Parties led evidence. I have the learned representatives of the parties. My issue-wise findings are as under:—

Issue No. 1:

Both the parties led their respective evidence by filing affidavits. While the workman filed his affidavit Ex-W-1 and counter affidavit Ex-W-4, the respondent management filed affidavit of Shri Multan Singh, District Manager and counter affidavit which are Ex-M-1 and Ex-M-2. In his affidavit Ex-W-1, the workman deposed that he served the management in 1984-85 at Barara for three months, in 1986 at Naraingarh for five months and in 1987 at Ambala for seven months and in this way he worked for more than 15 months. He further deposed that management terminated his services on 19th November, 1987 without serving any notice or payment of retrenchment compensation. He also deposed that after termination of services, the management engaged some other workers. Shri Multan Singh, District Manager, Hated however deposed in his affidavit Ex-M-1 that the said workman was never engaged in 1984 and thus he did not work for three months as alleged. In 1986, according to him, he was however engaged on daily wages for 95 days from 6th June, 1986 to 8th September, 1986 and his services were dispensed with by Shri Joginder Lal, Store Keeper due to unsatisfactory work and conduct of the workman. As per his statement, the workman was again thereafter engaged on daily wages basis by District Manager, Hated with effect from 23rd April, 1987 to 18th November, 1987. According to this witness, the workman never completed 240 days in a calendar year and thus he was not entitled to any protection under the Industrial Disputes Act, 1947. The workman in his counter affidavit somehow reiterated his stand for working on daily wages during the year 1984-85. The assertion was in any case denied in the counter affidavit of Shri Multan Singh and according to him since the workman had not completed 240 days at anytime, his services were rightly dispensed with, as he was appointed on purely daily wages basis. The workman has, in any case, not able to prove that he worked 240 days in a period preceeding 12 months. The evidence as produced by the respondent management however clearly reveals that the workman has not completed 240 days in a period preceeding 12 months from the date of his termination. In the situation, the impugned termination of the workman appears to be perfectly legal and justified. This issue is decided in favour of the respondent management and against the workman.

Issue Nos. 2 to 4:

These issues were not pressed and hence do not need any separate findings.

Relief:

In the end, it is held that the workman is not entitled to any relief.

The 8th December, 1994.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endorsement No. 1970, dated the 30th December, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6Lab./195.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Toolman Engineer, 3-H/79, NIT, Faridabad *versus* M. R. Sharma.

BEFORE SHRI N. L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT-I, FARIDABAD

Reference No. 80 of 94

IN THE MATTER OF INDUSTRIAL DISPUTE

between

SHRI M. R. SHARMA, S/O SHRI C. R. SHARMA, H.NO. 17/8, JAWAHAR
COLONY, FARIDABAD

.. Workman

and

M/S TOOLMAN ENGINEERING 3-H/79, NIT, FARIDABAD

.. Management

Present :

Shri K. L. Sharma, Authorised Representative, for Workman

Shri Jagbir Bhadana, Authorised Representative, for the management.

AWARD

Under the provisions of section 10(1) of Industrial Disputes Act, 1947, the Government of Haryana have,—*vide* Endst. No. 10/FD/44- 74/19065—70, dated the 16th May, 1994, referred the following dispute between the parties above named for adjudication :—

Whether the termination of services of Shri M. R. Sharma is legal and justified.

If not, to what relief he is entitled ?

2. In the case following orders has been passed on 13th January, 1995 :—

“Shri K. L. Sharma, authorised representative of the Workman has made a statement pleading no instructions. So, far no claim statement has been filed meaning thereby that the workman has no case to be pursued against the management. As such, ‘No Claim Award’ is passed.

N. L. PRUTHI,

The 13th January, 1995.

Presiding Officer,
Industrial Tribunal-cum-Labour-Court-I,
Faridabad.

Endorsement No. 110, dated the 16th January, 1995.

A copy, with three spare copies, is forwarded, to the Commissioner and Secretary to Government of Haryana, Labour Department, Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-cum-Labour-Court-I,
Faridabad.